



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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1268110 - R8 SDMS

Ref: 8ENF-L

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David M. Smith
BNSF Railway Company
800 North Last Chance Gulch,
Suite 101
Helena, MT 59601

Re: Request For Additional Removal Action Pursuant to Administrative Order on Consent for Removal Action (Administrative Order), CERCLA Docket No. CERCLA-08-2003-0004, Libby Asbestos Site, Libby, Montana SSID #08-BC

Dear Mr. Smith:

As discussed and agreed at a meeting on September 5, 2013, the Remedial Investigation (RI) Report for Operable Unit 6 at the Libby Asbestos Site (Site) will be performed by BNSF Railway Company (BNSF) as an additional removal action in accordance with Section XXVII, **Additional Removal Action**, of the above referenced Administrative Order. This additional work shall be performed in accordance with all provisions of the Administrative Order and the Statement of Work (SOW) enclosed with this letter. Pursuant to Section XXVII of the Administrative Order, this letter is to notify you that the United States Environmental Protection Agency (EPA) has determined that an additional removal action is necessary at Operable Unit 6 of the Libby Asbestos Site (Site) to protect human health, welfare or the environment. Within 30 days of receipt of this letter, you are required to submit a work plan for the additional work that is consistent with the enclosed SOW and conforms to the applicable requirements of Section VIII (Work to Be Performed) of the Administrative Order.

The EPA is directing you to develop a Remedial Investigation Report to identify the nature and extent of the release of Libby Amphibole asbestos at the Site and to provide draft risk calculations as specified in the enclosed SOW. The work plan for additional work shall incorporate the schedule that is included in section 5 of the enclosed SOW. As provided in Section XXVII of the Administrative Order, upon the EPA's approval of the work plan pursuant to Section VIII of the Administrative Order, BNSF shall implement the plan for additional removal action in accordance with the provisions and schedule contained therein.

Please contact Lorraine Ross, EPA Enforcement Attorney, at (303) 312-6888 with any questions regarding this request. Any technical questions should be addressed to Dania Zinner at (303) 312-7122.

Thank you for your cooperation in this matter.

Sincerely,

BY: Stanley C. Christensen (for)
Bill Murray
Director, Superfund Remedial Response Program
Office of Ecosystems Protection and Remediation

DATE: 9/25/13

BY: Kelcey Land
Kelcey Land
Director, RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance and Environmental Justice

DATE: 9/25/13

BY: Andrea Madigan
Andrea Madigan
Supervisory Attorney, Legal Enforcement Program
Office of Enforcement, Compliance and Environmental Justice

DATE: 9/25/13

Enclosure

Statement of Work

cc: Brooke Kuhl, General Attorney, BNSF Railway Company
Lorraine Ross, 8ENF-L
Dania Zinner, 8EPR-SR
Rebecca Thomas, 8EPR-SR



**STATEMENT OF WORK FOR
ADDITIONAL WORK - REMEDIAL INVESTIGATION REPORT
LIBBY ASBESTOS SITE
OPERABLE UNIT 6**

1. INTRODUCTION

Additional work will include development of the Remedial Investigation (RI) Report for Operable Unit 6 (OU6) of the Libby Asbestos Site (the Site) to describe the investigation of the nature and extent of contamination at OU6 and preparation of draft human health risk calculations for OU6.

2. PURPOSE OF THE STATEMENT OF WORK

This Statement of Work (SOW) sets forth requirements for developing an RI report at OU6 of the Site. The Respondent shall develop the RI report in accordance with this SOW and the requirements in the Administrative Settlement Agreement and Order on Consent for Removal Action (Administrative Order) and consistent with the National Contingency Plan (40 CFR Part 300) and "Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA" (OSWER Directive 9355.3-01, October 1988) and any other guidance documents that EPA identifies as relevant to any aspect of the RI for OU6. A list of the primary guidance documents is included as Attachment A to this SOW.

BNSF will use existing data summary reports to produce a draft RI report and risk calculations for OU6. BNSF will provide copies of all documents to the EPA and its contractors for review. EPA shall provide written comments on these draft documents to BNSF.

As specified in CERCLA Section 104(a) (1), as amended by SARA, EPA will provide oversight of the Respondents' activities throughout the RI. The Respondent shall support EPA's initiation and conduct of oversight activities. EPA's determinations, approvals, and activities as provided for in the Administrative Order and in the SOW shall be conducted in consultation with the State as provided for by CERCLA, the National Contingency Plan, and applicable guidance.

Performance of the work described in this SOW by the Respondents and EPA's review and approval of documents and activities described in this SOW shall be performed in accordance with the procedures described in the Administrative Order. The Respondent shall furnish all necessary personnel, materials, and services needed or incidental to performing the work described in this SOW, except as otherwise specified in the Administrative Order.

3. INITIAL PLANNING FOR THE REMEDIAL INVESTIGATION REPORT

3.1 Assemble Existing Information

The Respondent shall assemble existing information relevant to the RI for OU6 including but not limited to:

- All environmental sampling and analysis plans,
- All environmental and other data, maps and photos,
- All reports describing data summaries, data evaluations, or interpretations of data,
- All information concerning asbestos contamination in BNSF-owned buildings within the Superfund Site including the Libby and Troy section houses, the Troy "bunker", and Amtrak's Libby Depot,
- All information regarding the source of ballast used along the rail corridor, and
- All information regarding current land use, reasonably anticipated land use, and any land use restrictions.

This shall include available data relating to the types and quantities of hazardous substances, pollutants, or contaminants within OU6 and past material management and disposal practices. This includes past removal actions i.e. the removal action at the rail yard. This data will be assembled in the RI Report for OU6.

3.2 Project Scoping Summary – Plan Development

Based on review of the existing information, BNSF will develop a work plan to outline activities and information required to complete the RI Report for the site. The work plan will include a comprehensive description of the work to be performed, including methodologies to be utilized as well as a corresponding schedule.

4. SITE CHARACTERIZATION

The overall objective of site characterization is to describe the nature and extent of contamination within OU6 and to describe areas of OU6 that may pose a threat to human health or the environment. The Respondent shall perform the activities described in this section including:

- Prepare draft risk calculations for the human health risk assessment;
- Prepare a draft and final RI report.

4.1 Risk Calculations for the Human Health Risk Assessment

EPA will include OU6 in the site-wide human health risk assessment. To support this effort, the Respondent shall prepare and submit to EPA the OU6 risk calculations in accordance with all relevant guidance and using the draft IUR and Reference

Concentration for Libby Amphibole (LA) asbestos. The draft OU6 risk calculations include the following.

- **Exposure point concentrations (EPCs):** A tabular summary of EPCs shall be provided using the four OU6 ABS exposure datasets stratified by group: on-looker trespassers, pedestrian trespassers, general laborer, and worker operating machinery. The following EPCs will need to be quantified: best estimate of the mean, mean achieved sensitivity, and estimated upper bound using CB-UCL.
- **ABS Data Summary:** The HHRA will include an appendix that provides a detailed summary of each ABS dataset that is used in the risk calculations. This includes one or two pages describing the ABS effort, number of samples collected, scenarios evaluated, sampling and analysis methods, any deviations from the SAP/SOPs, overview of the results, etc.
- **Exposure parameters:** The following table summarizes the exposure parameters that were used to derive the analytical requirements for the supplemental TEM analysis. BNSF shall propose exposure parameters based on site-specific information on worker exposure time/frequency.

Exposure Population	Exposure Time [ET] (hours/day)	Exposure Frequency [EF] (days/year)	Exposure Duration [ED] (years)
Worker	8 ^(a)	60 ^(a)	50 ^(a,c)
Pedestrian Trespasser	4 ^(a)	60 ^(b)	50 ^(a,c)
On-looker Trespasser	2 ^(a)	60 ^(b)	15 ^(b)

^(a) As provided in the ABS SAP (ENSR/AECOM 2008)

^(b) Assumed based on professional judgment

^(c) Assumes individual is also a Libby resident

EPA will review and provide comments. If the final toxicity values differ from the draft values used, EPA will substitute in the aforementioned tables at that time (circa June 2014).

4.2 RI Report

The Respondent shall prepare and submit a draft RI report to EPA and the State for review and EPA approval in accordance with Section X of the Administrative Order and the schedule contained in Section 5 of this SOW. The RI report shall summarize results of field activities to characterize OU6, the sources of contamination, the nature and extent of contamination and the fate and transport of contaminants. The Respondent shall refer to Table 3-13 in "Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA", OSWER Directive 9355.3-01, October 1988 for a suggested RI report format. In addition, example RI reports to use as a template are the Libby OU5 (Former Stimson Lumber Mill) and OU8 (State Highways) RI reports. EPA and BNSF have already discussed the outline for the OU6 RI report which is attached (Attachment B). This may be subject to change with documentation of the reason and explanation for the change.

Using the data summary reports for the 2008-2010 ABS events and other materials such as removal action reports, BNSF shall summarize these reports and capture the historical events, data, and evaluation of the OU6 investigative results in the RI report. Also within the RI report, the Respondent shall analyze and evaluate the data to describe the following:

- Physical and biological characteristics of OU6,
- Contaminant source characteristics,
- Nature and extent of contamination, and
- Contaminant fate and transport.

The RI report will include the actual and potential magnitude of releases from the sources, and horizontal and vertical spread of contamination as well as mobility and persistence of contaminants. All data and programming, including any proprietary programs, shall be made available to EPA and the State. Also, this evaluation shall provide any information relevant to OU6 characteristics necessary for the development and evaluation of remedial alternatives.

5. SCHEDULE OF DELIVERABLES

The Respondent shall deliver documents and perform activities described in this SOW in accordance with the following schedule:

SOW REFERENCE	DOCUMENT OR ACTIVITY	DELIVERY DATE
Section 3.2	RI Report Work Plan	30 days after receipt of Additional Work letter
Section 4.1	Draft Human Health Risk Calculations	Monday, November 18 th , 2013
Section 4.2	Draft RI Report	Monday, December 2 nd , 2013
Section 4.2	Draft Final RI Report	Tuesday, December 31 st , 2013
Section 4.2	Final RI Report	Friday, January 31 st , 2014

ATTACHMENT A

List of Guidance Documents

Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA. OSWER Directive 9355.3-01

Clarifying Cleanup Goals and Identification of New Assessment Tools for Evaluating Asbestos at Superfund Cleanups. OSWER No. 9345.4-05

CERCLA Compliance with Other Laws Manual. Part I. Interim Final
EPA 540/G - 89/006, OSWER No. 9234.1-01

CERCLA Compliance with Other Laws Manual: CERCLA Compliance with the CWA and SDWA. OSWER No. 9234.2-06/FS

ATTACHMENT B
Remedial Investigation Report Outline – Table of Contents

Table of Contents

List of Tables	iii
List of Figures	iii
List of Appendices	iii
Section 1: Introduction	1-1
1.1 Purpose and Report Organization	1-1
1.2 NPL Site History	1-1
1.3 OU6 History and Description	1-1
1.4 OU6 Previous Response Actions	1-1
1.5 OU6 Previous Investigations and Reports	1-1
Section 2: Site Background and Setting	2-1
2.1 Operable Unit 6 Definition	2-1
2.2 OU6 Land Use	2-1
2.3 Physical Site Characteristics	2-1
2.3.1 Physical Setting	2-1
2.3.2 Geologic Setting	2-1
2.3.3 Hydrologic Setting	2-1
2.3.4 Meteorology	2-1
Section 3: Sampling and Analysis	3-1
3.1 Summary of Existing Data in OU6	3-1
3.1.1 Air	3-1
3.1.2 Soil	3-1
3.1.3 Other Railroad Materials	3-1
3.2 Sampling Procedures and Analysis Methods	3-1
3.2.1 Air	3-1
3.2.2 Soil	3-1
3.2.3 Other Railroad Materials	3-1
Section 4: Data Recording and Data Quality Assessment	4-1
4.1 Data Recording	4-1
4.2 Data Quality Assessment	4-1
4.2.1 Field and Laboratory Quality Assurance	4-1
4.2.2 Field and Laboratory Procedure Modifications	4-1
4.2.3 Data Verification and Validation	4-1
4.2.4 Comparison of Results to Investigation Data Quality Objective	4-1

Table of Contents (cont'd)

Section 5:	Nature and Extent of LA.....	5-1
5.1	Contaminants of Concern (COC)	5-1
5.2	LA in Air.....	5-1
5.3	LA in Soil	5-1
5.4	LA in Other Railroad Materials	5-1
Section 6:	COC Fate and Transport.....	6-1
Section 7:	Human Health Risk Assessment.....	7-1
Section 8:	Conclusions	8-1
<i>References.....</i>		<i>1</i>

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